

UNITED STATES BANKRUPTCY COURT FOR THE  
EASTERN DISTRICT OF WISCONSIN

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IN RE  
Marica S. Tipton aka Marica S. Willson  
  
Debtor.

Chapter: 13  
  
Case No. 16-32374-beh

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**ORDER PURSUANT TO HEARING UPON MOTION OF WELLS FARGO BANK, N.A. FOR  
RELIEF FROM THE AUTOMATIC STAY AND ABANDONMENT**

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Pursuant to the motion of Wells Fargo Bank, N.A. for an order for relief from the automatic stay and abandonment with respect to the property located at 2125 Derrin Ln, Brookfield, WI 53045-2151, this matter was heard on November 7, 2017, the movant appearing through its counsel, Gray & Associates, L.L.P., by Jay Pitner, and the debtor appearing through Todd C. Esser & Associates, by Kirk M. Fedewa, and Sandra Baner appearing on behalf of the Chapter 13 trustee and upon the arguments and statements of counsel and all the files, records and proceedings herein,

IT IS HEREBY ORDERED that the motion is denied subject to the following terms of this order.

IT IS FURTHER ORDERED that the movant may file a supplemental claim for the post-petition arrearage which exists through the end of November 2017 in the amount of \$5,498.64.

The arrearage is itemized as follows:

Drafted by:

Jay Pitner  
Gray & Associates, L.L.P.  
16345 West Glendale Drive  
New Berlin, WI 53151-2841  
Phone: (414) 224-8404  
Fax: (414) 224-1279  
Email: jpitner@gray-law.com

6/1/17 through 11/1/17	\$16,897.80
6 mortgage payments @ \$2,816.30	
Credits / Suspense	(163.96)
NSF Fees	30.00
Attorney Fees and Costs	0.00
Payment received 10/6/2017	(2,816.30)
Payment received 10/23/2017	(2,816.30)
Payment received 11/3/2017	<u>(5,632.60)</u>
TOTAL ARREARAGE	<u>\$5,498.64</u>

IT IS FURTHER ORDERED that commencing in December 2017 and continuing through and including May 2018, the debtor shall make all monthly mortgage payments to the movant in sufficient time to be received on or before the 16th day of each month in which each such payment is due. In the event any such payment is not received in a timely manner, the movant, its servicing agent or its counsel may submit an affidavit of default and proposed order for immediate relief from the automatic stay to the court for signature.

IT IS FURTHER ORDERED that commencing in June 2018, the debtor shall make all monthly mortgage payments to the movant in sufficient time to be received on or before the 16th day of each month in which each such payment is due. In the event any such payment is not received in a timely manner, counsel for the movant may request by letter another hearing upon the motion for relief from the automatic stay.

IT IS FURTHER ORDERED that pending further notice, the amount of the monthly mortgage payment is \$2,816.30 and payments shall be made to the movant at Wells Fargo Bank, N.A., 1 Home Campus, Attention: Payment Processing, MAC# x2302-04c Des Moines, IA 50328.

IT IS FURTHER ORDERED that abandonment of the bankruptcy estate's interest in the property shall be effective when the automatic stay no longer applies to the movant and its interest in the property, though the trustee's right to claim any surplus funds if the property is sold is specifically reserved.

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